IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 15990 of 2007(C)

PETITIONER:

THE PALAKKAD DISTRICT AUTORIKSHAW DRIVERS CO-OPERATIVE SOCIETY LTD., P.606, PALAKKAD. REP. BY THE SECRETARY SRI.RAVEENDRAN.P.V., PALAKKAD. (NAME OF THE PETITIONER CORRECTED AS ABOVE VIDE ORDER DTD.11.6.07 IN I.A.NO. 7388/07)

BY ADV. SRI.K.ANAND

RESPONDENTS:

1. THE EXCISE INSPECTOR, KOLLENGODE EXCISE RANGE.

2. THE DEPUTY COMMISSIONER OF EXCISE, CIVIL STATION, PALAKKAD.

ADDITIONAL 3RD RESPONDENT:

P.MURUKAN, S/O.PAZHANISWAMY, LAKSHMI NIVAS, MUTHALAMADA

(ADDL.R3 IMPLEADED AS PER ORDER IN I.A.NO.8097/07 DTD.28.6.07)

BY ADV. SRI.SAJI KURIACHAN
G.P. SHRI.K.C.SANTHOSHKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 15990/07.

APPENDIX

PETITIONER'S EXHIBITS: \

P1. COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE.

P2. COPY OF THE HYPOTHECATION AGREEMENT DTD.19.10.06.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.15990 of 2007

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Dated this the 12th day of July, 2007

J U D G M E N T

Petitioner's vehicle bearing registration No.KL-09-U-4104 was seized for having involved in an abkari offence. Confiscation proceedings are pending. The petitioner seeks interim custody of the vehicle.

2. I have the learned counsel for the petitioner, the learned Government Pleader and the learned counsel for the additional 3rd respondent.

3. In the facts and circumstances of the case, I am satisfied that interim custody of the vehicle can be given on conditions. Accordingly, this writ petition is disposed of with the following directions:

The 1st respondent shall assess the value of the vehicle and intimate the same to the petitioner within one week. On receipt of the same, the petitioner shall deposit the value of the vehicle

with the 1st respondent. On such deposit the vehicle shall be released to the petitioner on his production of proof of ownership also. This is subject to the condition that the petitioner shall not alienate or otherwise part with possession of the vehicle till confiscation proceedings are over. The submission of the third respondent, who is the hirer of the vehicle, that he has no objection in releasing the vehicle to the petitioner is recorded.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.